

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

RICHARD YANG,)
)
 Plaintiff,)
)
 v.) No. 1:12CV92 SNLJ
)
 MISSOURI DEPT. OF CORR., et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for entry of default. The motion will be denied.

The Court issued process on portions of plaintiff's complaint on August 17, 2012, and because the named defendants issued on were all employees of the Missouri Department of Corrections, the Court sent a waiver of service letter to the Office of Attorney General on August 20, 2012. The waiver of service letter specifically states that if the Office of Attorney General agrees to waive service on behalf of the named defendants in this action, the Court expects defendants to file a responsive pleading within sixty days of the date of the letter. The letter goes on to state that if the Office of Attorney General determines that it cannot waive service on behalf of defendants it should promptly notify the Court and note the

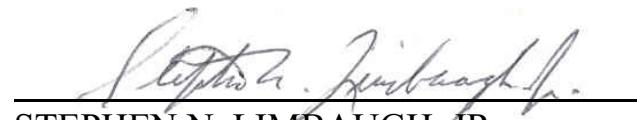
reasons therefore. Only then will process be served upon such defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

Given the aforementioned, plaintiff's motion for entry of default is misplaced, and it will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for entry of default [Doc. #13] is **DENIED**.

Dated this 20th day of September, 2012.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE